

Senate Bill No. 99

CHAPTER 42

An act to amend Sections 77202.5 and 77207 of the Government Code, relating to courts, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1996. Filed with
Secretary of State May 13, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 99, Kopp. Courts: trial court funding.

Existing law establishes the Trial Court Trust Fund for the purpose of funding trial court operations. Among other things, these provisions guarantee a minimum allocation to Ventura County, as specified. Existing law establishes the Trial Court Improvement Fund in the State Treasury, provides for the deposit of specified moneys in the fund, provides for the distribution of moneys in the fund subject to appropriation by the Legislature, as specified, and provides for the reversion of unused moneys in the fund each year to the Trial Court Trust Fund. Existing law also requires the Judicial Council to present an annual report to the Legislature on the use of the Trial Court Improvement Fund, including appropriate recommendations.

This bill would delete these provisions for the transfer of moneys to and from the Trial Court Improvement Fund; and provide that, in addition to its authority for the disbursement of moneys in the Trial Court Improvement Fund pursuant to existing law, the Trial Court Budget Commission, with the approval of the Judicial Council, may set aside funds for statewide trial court projects for the 1995-96 fiscal year only by allocating a portion of the annual appropriation for the trial courts, not to exceed \$5,000,000, to the Trial Court Improvement Fund, thereby making an appropriation. The bill would provide that moneys in the fund shall be administered by the Judicial Council, and would authorize the Trial Court Budget Commission to designate all or a portion of the funds for specified projects. The bill would revise the minimum trial court funding allocation for Ventura County. The bill would provide that any funds in the Trial Court Improvement Fund that are unencumbered at the end of the fiscal year shall be reappropriated to the Trial Court Improvement Fund for the following fiscal year, in an amount not to exceed \$5,000,000, and would also make related changes with regard to the disbursement of moneys in the fund. The bill also would require the annual report of the Judicial Council to include detailed information as to the amount of trial court funding which is set aside in the manner described

above, the purposes for which funds were expended, the courts which received support for services therefrom, and the specific benefit to each of those courts.

This bill would also appropriate \$26,300,000 from the General Fund to the Trial Court Trust Fund for the 1995–96 fiscal year, and would require \$1,300,000 to be designated as a reserve against any unforeseen and unavoidable operations costs that may be incurred by a court during the 4th quarter of the 1995–96 fiscal year, as specified. The bill would also appropriate \$26,300,000 from the Trial Court Trust Fund for the support of the trial courts during the remainder of the 1995–96 fiscal year.

The bill would also require the Judicial Council to report to the Legislature on or before March 31, 1997, on the implementation of Rule 991 of the California Rules of Court, relating to trial court coordination implementation.

The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 77202.5 of the Government Code is amended to read:

77202.5. (a) In any option year commencing with the 1994–95 fiscal year, in which the net county benefit for the County of Ventura is less than the sum of five million two hundred sixty-two thousand five hundred dollars (\$5,262,500), adjusted each fiscal year by the percentage change in the California per capita personal income, the Controller shall allocate to the county a special supplemental subvention of vehicle license fee revenues pursuant to Section 11005 of the Revenue and Taxation Code in an amount equal to the amount by which the net county benefit is less than five million two hundred sixty-two thousand five hundred dollars (\$5,262,500), as adjusted for the applicable fiscal year.

(b) For purposes of this section, the net county benefit for each fiscal year beginning in the 1994–95 fiscal year is the sum of the revenues received by the county from the state for trial court operations in Ventura County for that fiscal year reduced by the amount subtracted from the county's proportionate share of property tax revenue pursuant to the Tax Equity Allocation (TEA) formula pursuant to Section 98.02 of the Revenue and Taxation Code for that fiscal year.

(c) For purposes of this section:

(1) "Revenues received for trial court operations" means payments received in accordance with paragraph (1) of subdivision (a) of Section 68085 and Section 77205.1, or their successor code provisions.



(2) “The percentage change in the California per capita personal income” means the annual amount computed and reported to the county by the Department of Finance in accordance with Section 7901.

SEC. 2. Section 77207 of the Government Code is amended to read:

77207. (a) There is in the State Treasury the Trial Court Improvement Fund.

(b) In addition to its authority pursuant to Section 68502.5, the Trial Court Budget Commission, with the approval of the Judicial Council, may set aside funds for statewide trial court projects for the 1995–96 fiscal year only by allocating a portion of the annual appropriation for the trial courts, not to exceed five million dollars (\$5,000,000), to the Trial Court Improvement Fund. The Trial Court Budget Commission may designate all or a portion of the funds for specified projects. Any funds in the Trial Court Improvement Fund that are unencumbered at the end of that fiscal year shall be reappropriated to the Trial Court Improvement Fund for the following fiscal year in an amount not to exceed five million dollars (\$5,000,000).

(c) Moneys deposited in the Trial Court Improvement Fund shall be placed in an interest bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (d).

(d) Moneys deposited in the Trial Court Improvement Fund shall be disbursed for purposes of financing statewide endeavors and activities which will directly benefit the operations of the trial courts or defray costs incurred in complying with mandated activities or programs. The Judicial Council shall seek to make its disbursement decisions in a manner that ensures an equitable distribution of the funds in order to provide support for these services to small, medium, and large courts.

(e) Moneys deposited in the Trial Court Improvement Fund shall be administered by the Judicial Council. The Judicial Council may delegate to the Administrative Office of the Courts the administration of the fund. Moneys in the fund may be expended to implement projects approved by the Judicial Council. The Judicial Council may delegate, with appropriate guidelines, the authority to approve expenditures from the Trial Court Improvement Fund to the Administrative Office of the Courts. Expenditures may be made to vendors or individual trial courts that have the responsibility to implement approved projects.

(f) The Judicial Council shall present an annual report to the Legislature on the use of the Trial Court Improvement Fund. The report shall include detailed information as to the amount of trial court funding which is set aside pursuant to subdivision (b), the purposes for which the funds were expended, the courts which

received support for services therefrom, the specific benefit to each of those courts, and appropriate recommendations.

SEC. 3. (a) (1) For the 1995–96 fiscal year, the sum of twenty six million three hundred thousand dollars (\$26,300,000) is appropriated from the General Fund to the Trial Court Trust Fund for the support of the trial courts during the remainder of the 1995–96 fiscal year.

(2) Of the amount described in paragraph (1), the sum of one million three hundred thousand dollars (\$1,300,000) shall be designated within the Trial Court Trust Fund as a reserve against any unforeseen and unavoidable operations costs that may be incurred by a court during the fourth quarter of the 1995–96 fiscal year. Moneys in the reserve fund shall be allocated by the Trial Court Budget Commission, upon approval by the Judicial Council, to those courts deemed to incur such costs subsequent to the filing of a resolution as specified in paragraph (4).

(3) The moneys described in paragraph (1) shall be allocated to counties by the Judicial Council, for the support of the trial courts, and shall be deposited in a recipient county's Trial Court Operations Fund. The Judicial Council shall establish criteria and procedures for the allocation of these moneys consistent with the requirements of this section.

(4) Moneys appropriated pursuant to this section shall be allocated to trial courts only if a court has submitted to the Judicial Council, prior to May 1, 1996, a resolution which contains the following declarations:

(A) The court lacks sufficient fiscal resources to finance required and essential services, including the timely adjudication of criminal trials in order to uphold and protect the public safety of all Californians.

(B) The receipt of supplemental funding from the state will provide the court with sufficient funds to continue required and essential operations, including the protection of the public through the continued and timely adjudication of criminal trials, for the remainder of the 1995–96 fiscal year.

(C) The court will not incur a deficit that will be deferred or carried over to a subsequent fiscal year.

(D) The court will not seek additional financial resources from the county by invoking the provisions of Section 68073 of the Government Code.

(5) In addition to the conditions set forth in paragraph (4), a court shall submit a resolution from the county or city and county in which the court is situated which obligates the county or city and county to provide a specific level of funds to the court which shall not be less than a dollar-for-dollar match of any state funds allocated to a court as provided in paragraph (3). The resolution shall be adopted no later than June 1, 1996, and the funds shall be provided to the court no later

than June 15, 1996. All county matching funds shall be deposited in the Trial Court Operations Fund.

(6) County funds appropriated to a trial court after March 1 in response to the court's request for funds on an emergency basis shall be deemed funds for the purpose of complying with paragraph (5).

(7) All funds allocated to a county pursuant to paragraph (4), along with county matching funds as required in paragraph (5), shall be expended only for the purpose of financing court operations, as defined in Section 77003 of the Government Code, and as further defined in Rule 810 of the California Rules of Court, during the remainder of the 1995-96 fiscal year. None of the moneys allocated pursuant to paragraph (3) shall be used to supplant or otherwise replace any county funds previously budgeted for the support of a trial court for the 1995-96 fiscal year.

(b) Independent of and notwithstanding Item 0450-101-932, Provision 1, of the 1995 Budget Act, the sum of twenty six million three hundred thousand dollars (\$26,300,000) is appropriated from the Trial Court Trust Fund for the support of the trial courts during the remainder of the 1995-96 fiscal year.

SEC. 4. Section 2 of this act shall become operative July 1, 1996.

SEC. 5. The Judicial Council shall report to the Legislature on or before March 31, 1997, on the implementation of Rule 991 of the California Rules of Court.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the funding and operation of the trial courts, it is necessary that this act take effect immediately.

